

Message Text

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ACTION NEA-10

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FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 4234
INFO AMEMBASSY AMMAN
AMEMBASSY BEIRUT
AMEMBASSY BONN
AMEMBASSY CAIRO
AMEMBASSY DAMASCUS
AMEMBASSY JIDDA
AMEMBASSY KUWAIT
AMEMBASSY LONDON
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AMCONSUL JERUSALEM
USMISSION USUN NEW YORK
USMISSION SINAI

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E.O. 11652: NA
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SUBJECT: CONSTITUTIONAL SUCCESSION PROCESS

1. FOR WASHINGTON'S INFORMATION THE FOLLOWING REPRESENTS OUR UNDERSTANDING OF ISRAEL'S CONSTITUTIONAL PROCEDURES RELATING TO SUCCESSION. SINCE ISRAEL HAS NO FORMAL CONSTITUTION, THIS REVIEW IS BASED ON ITS BASIC LAWS, A BODY OF LEGISLATION THAT DEALS WITH THE GOVERNMENT INSTITUTIONS, AND ON THE TRADITIONS THAT HAVE DEVELOPED DURING THE 30 YEARS OF THE STATE'S EXISTENCE.

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2. THE REMOVAL OF THE PRIME MINISTER, WHETHER BY DEATH, RESIGNATION OR LOSS OF A CONFIDENCE MOTION IN THE KNESSET, RESULTS IN THE RESIGNATION OF THE ENTIRE CABINET. (THE CABINET ALSO RESIGNS PRIOR TO THE REGULAR QUADRENNIAL KNESSET ELECTIONS OR WHEN THE KNESSET VOTES TO HOLD EARLY ELECTIONS.) THE OUTGOING PRIME MINISTER AND CABINET CONTINUE AS A CARETAKER GOVERNMENT. IN THE EVENT THE RE-

SIGNATION OF THE CABINET RESULTED FROM THE DEATH OF THE PRIME MINISTER, THE CABINET DESIGNATES ONE OF ITS MINISTERS WHO IS ALSO A MEMBER OF THE KNESSET TO BE INTERIM PRIME MINISTER OF THE CARETAKER GOVERNMENT. THE CABINET FOLLOWS THIS SAME PROCEDURE IN DESIGNATING AN INTERIM PRIME MINISTER IN THE EVENT OF THE TEMPORARY INCAPACITATION OF THE PRIME MINISTER. THERE IS NO PRECEDENT AND THE LAW IS SILENT ON WHEN INCAPACITATION CEASES TO BE "TEMPORARY." ALTHOUGH THE BASIC LAW DOES NOT REQUIRE IT, RECENT GOVERNMENTS HAVE INCLUDED A DEPUTY PRIME MINISTER. ACCORDING TO THE COALITION AGREEMENT WITH THE DMC, DEPUTY PRIME MINISTER YADIN WOULD BE INTERIM PRIME MINISTER IN BEGIN'S ABSENCE.

3. FOLLOWING RESIGNATION OF THE GOVERNMENT, THE PRESIDENT MUST CONSULT WITH THE POLITICAL PARTIES REPRESENTED IN THE KNESSET AND SELECT AN MK TO FORM A NEW GOVERNMENT. TRADITION REQUIRES THAT HE FIRST TURN TO THE LEADER OF THE KNESSET'S LARGEST PARTY FOR THAT TASK. (AS HEAD OF THE LIKUD, IT WOULD BE BEGIN IF HE HAD RESIGNED AFTER A NO-CONFIDENCE VOTE -- UNLESS THE LIKUD DISINTEGRATED.) THE DESIGNATED MK HAS 21 DAYS TO FORM A GOVERNMENT, WHICH MAY BE EXTENDED FOR UP TO 21 ADDITIONAL DAYS. IF THE FIRST CHOICE IS UNABLE TO PUT A CABINET TOGETHER, THE PRESIDENT MAY DESIGNATE ANY OTHER MK FOR THE TASK. PRESUMABLY, THE PRESIDENT WOULD TURN TO THE LEADER OF THE NEXT LARGEST PARTY (CURRENTLY, PERES AND THE ALIGNMENT)

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BUT HE IS NOT BOUND BY STATUTE (AND THERE IS NO TRADITION ON THIS MATTER) TO ANY PARTICULAR ORDER OF SELECTION.

4. A SPECIAL FEATURE OF THE LAW IS THE POWER OF A KNESSET MAJORITY TO DIRECT THE PRESIDENT'S EFFORTS. FOLLOWING THE INABILITY OF THE PRESIDENT'S FIRST CHOICE TO FORM A GOVERNMENT, PARTIES CONSTITUTING A MAJORITY OF THE KNESSET MAY PETITION THE PRESIDENT TO ASSIGN THE TASK TO THEIR CHOICE AND THE PRESIDENT MUST COMPLY.

5. AT ANY TIME AFTER THE FIRST EFFORT, THE PRESIDENT MAY INFORM THE KNESSET SPEAKER THAT HE SEES NO WAY OF ACHIEVING THE FORMATION OF A GOVERNMENT; BUT ONLY THE KNESSET CAN CALL FOR NEW ELECTIONS, AN ACT THAT REQUIRES A SIMPLE MAJORITY VOTE. BECAUSE IDF OFFICERS AND SENIOR CIVIL SERVANTS CANNOT BE CANDIDATES FOR THE KNESSET UNLESS THEY RESIGN AT LEAST 100 DAYS BEFORE THE ELECTION, 100 DAY IS THE MINIMUM INTERVAL BETWEEN THE KNESSET DECISION TO HOLD AN ELECTION AND POLLING DAY, AND THE CARETAKER GOVERNMENT WOULD CONTINUE DURING THAT PERIOD.

VIETS

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